In the claims:

1. (Currently Amended) A method for measuring the performance of a scalable network comprising:

preparing a network under test for testing;

establishing a routing path for a session to be tested wherein said routing path is a static IP route;

sending, by a packet generator, a constant stream of packets through a network under test; and

counting, by a packet count unit, received packets at the packet count unit; and establishing a peak performance rate as the highest rate with no packet dropout.

Claims 2-4 (Cancelled)

- 5. (Original) The method of claim 1, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.
- 6. (Original) The method of claim 1, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.
- 7. (Currently Amended) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for measuring the performance of a scalable network, said method comprising: preparing the network for testing;

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establishing a routing path for a session to be tested wherein said routing path is a static IP route;

sending, by a server, a constant stream of packets to a client node; and counting, by said client node, said received packets received at said client node; and

establishing a peak performance rate as the highest rate with no packet dropout.

Claims 8-10 (Cancelled)

- 11. (Original) The program storage device of claim 7, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.
- 12. (Original) The program storage device of claim 7, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.
- 13. (Currently Amended) An apparatus for measuring the performance of a scalable network comprising:

means for preparing the network for testing;

means for establishing a routing path for a session to be tested wherein said routing path is a static IP route;

means in a server for sending a constant stream of packets to a client node; and means in said client node for counting said received packets received by said client node; and

means for establishing a peak performance rate as the highest rate with no packet dropout.

Claims 14-16 (Cancelled)

- 17. (Original) The method of claim 13, means for sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.
- 18. (Original) The method of claim 13, means for sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.
- 19. (Currently Amended) A system for measuring the performance of a scalable network comprising:
 - a packet generator <u>in a source node</u> for providing test packets to a network under test;
 - a packet count unit <u>in a client node</u> for counting test packets received <u>by said</u> <u>client node</u> from said network under test; <u>and</u>
 - wherein said test packets are provided in a constant stream to said network under test and wherein a peak performance rate of said network under test is established as the maximum receive rate at a particular packet size with no packet dropout.
- 20. (Original) The system of claim 19, wherein said network under test comprises a OC-3 level network.
- 21. (Original) The system of claim 19, wherein said network under test comprises a OC-12 level network.

Claims 22-24 (Cancelled)

25. (Original) The system of claim 20, wherein said network under test includes two Fast Ethernet pathways.

- 26. (Original) The system of claim 21, wherein said network under test includes eight Fast Ethernet pathways.
- 27. (Original) The system of claim 21, wherein said network under test includes at least two Gigabit Ethernet pathways.
- 28. (Original) The system of claim 21, wherein said network under test includes four OC-3 pathways.
- 29. (Original) The system of claim 19, wherein said packet generator is configured using Pagent software.
- 30. (Original) The system of claim 19, wherein said system is configured to download a test configuration file from a TFTP server.

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